



MAYOR AND COUNCIL AGENDA

NO. 14 DEPT.: Legal/ Community Planning and Development Services DATE: Nov. 18, 2004
Contact: Deane Mellander, Planner III

ACTION: Public Hearing on Preliminary Development Plan application PDP2004-00007: To allow for a mixed-use development of office, residential and retail uses at the corner of Choke Cherry Road and Shady Grove Road (Upper Rock District); The JBG Companies, applicants.

ACTION STATUS:

FOR THE MEETING OF: 12/6/04

INTRODUCED
PUB. HEARING
INSTRUCTIONS
APPROVED
EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER 25
SECTION 660

☐ CONSENT AGENDA

RECOMMENDATION: Hold public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

Will allow for a substantial mixed-use redevelopment of a portion of the Danac Technology Park.

BACKGROUND: The applicant has filed an application for a Preliminary Development Plan for a mixed use development at the southwest quadrant of Choke Cherry Road and Shady Grove Road. The application calls for the retention of the existing 238,086 square foot office building; the construction of multi-family residential units, including the conversion of the existing office building at 3 Choke Cherry Road to residential units; and the addition of service retail commercial and restaurants. The summary of the development proposal is as follows:

Office: 245,336 square feet
Multi-family residential: 844 units, including 94 senior housing MPDU's
Service retail: 7,250 square feet
Restaurant: 9,000 square feet

The Planning Commission will consider this proposal at their meeting on December 1, 2004. Their recommendation will be provided to the Mayor and Council prior to the public hearing.

The project includes several innovative ideas, including "live/work" units, a decorative "green wall"

along the I-270 and Shady Grove Road frontages, incubator retail, and "green" building designs. The applicant proposes to reserve the 94 moderate-priced dwellings for senior living units. Off-site traffic mitigation measures are also proposed.

Post card notice of the public hearing was mailed to surrounding property owners and nearby civic associations.

PREPARED BY:

Deane E. Mellander 11/29/04
Deane Mellander, Planner III Date

APPROVE:

Robert J. Spalding 11-29-4
Robert J. Spalding, AICP, Chief of Planning Date

APPROVE:

Arthur D. Chambers 11/29/04
Arthur D. Chambers, AICP, CPDS Director Date

APPROVE:

Scott Ullery 12/11/04
Scott Ullery, City Manager Date

LIST OF ATTACHMENTS:

1. Planning Commission recommendation.
2. Staff report to the Planning Commission.

**The Planning Commission Recommendation
will be provided to the Mayor and Council
prior to the Public Hearing**

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

November 23, 2004

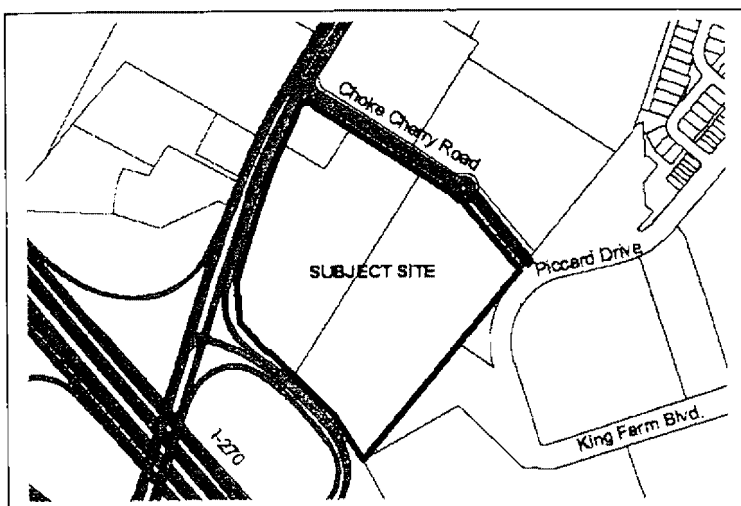
SUBJECT: Preliminary Development Plan
Application PDP2004-00007 –
1 – 11 Choke Cherry Road
Upper Rock District

Applicant: The JBG Companies

Owner: JBG/Shady Grove Land LLC
JBG/M Market Square I LLC
JBG/5 Choke Cherry LLC
4445 Willard Avenue
Chevy Chase, MD

Date Filed: September 13, 2004

Location: Choke Cherry Road and Shady Grove Road



REQUEST:

- The applicant requests approval of a Preliminary Development Plan to redevelop the property at the southeast corner of Choke Cherry Road and Shady Grove Road, consisting of 19.8 acres in the I-3 Zone. The application requests approval under the optional method of development for 844 multi-family, live-work, and age-restricted residential units, 238,086 square feet of office, 14,500 square feet of incubator retail/office, and 9,000 square feet of restaurant space.

PREVIOUS RELATED ACTIONS:

A 9-story, 238,086 square foot office building was approved and constructed under Use Permit USE2003-00655. Two additional office buildings were approved under Use Permit USE2003-00658, totaling 117,000 square feet. These have not been constructed.

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- Compatibility with the Citywide Master Plan recommendations.
- The relationship to other adjoining uses around the site.
- Traffic impact, access, on-site circulation and parking needs.
- Impact on public schools and other public facilities.

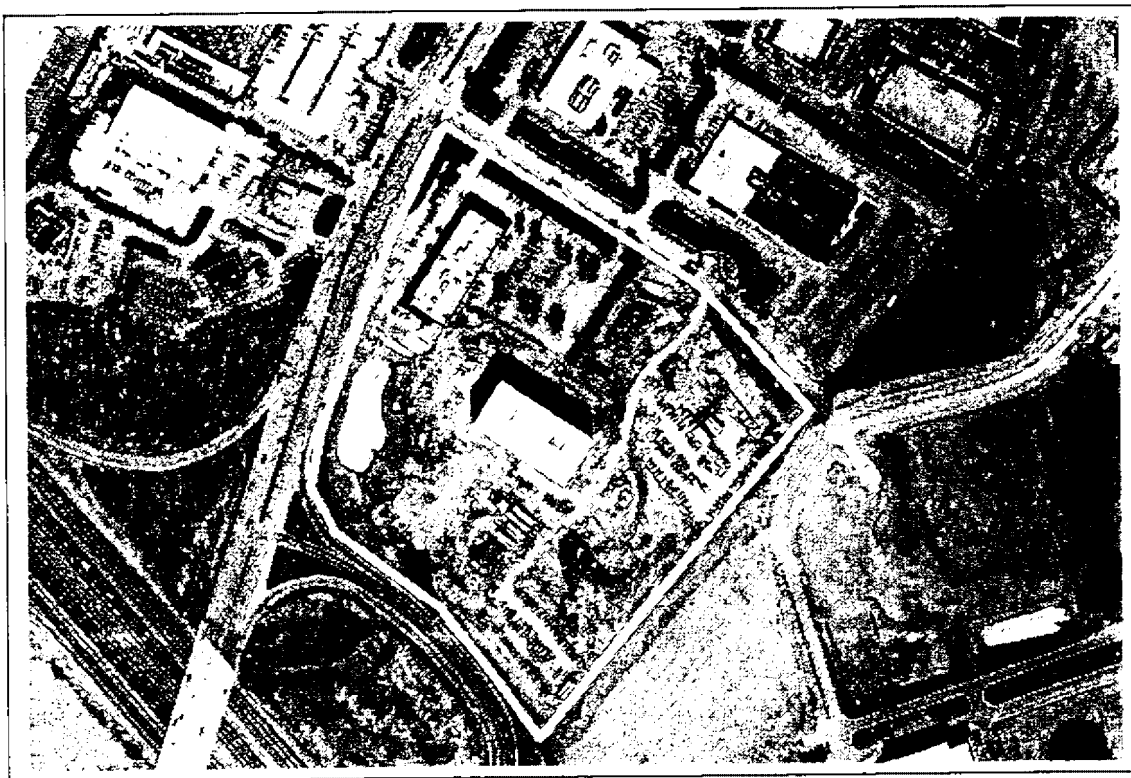
ANALYSIS

Background

The subject property is at the northern edge of the City. The site is a part of the Danac Technological Park, that was developed under the I-3 Zone in the 1960's and early 1970's. Originally, the Kodak processing laboratory occupied the rear portion of the site. A 3-story, 73,700 square foot office building was built at 5 Choke Cherry Road. This building is proposed to be retained, but converted to residential use under the PDP application.

Property Description

The property is approximately rectangular in shape. It is bounded by Shady Grove Road on the west, Choke Cherry Road on the north, Piccard Drive and the King Farm on the east, and the Shady Grove Road interchange of I-270 on the south. The site consists of 19.81565 acres, divided into four ownership lots: 9A, 9B, 9C, and 9D. These ownership lots were predicated on the approved use permits for three new office buildings and the retention of the building at 5 Choke Cherry Road. If the PDP is approved, the ownership lots will likely be replatted.



Aerial View of Subject Site

As a condition of approval of the use permits, the applicant was required to extend Choke Cherry Road east from the cul-de-sac to connect with Piccard Drive. This work is nearing completion. The connection will be opened when the King Farm completes construction of housing along

Piccard Drive near Gaither Road. The Mayor and Council have approved portions of the bulb of the cul-de-sac for abandonment, subject to meeting the conditions of approval of the use permits previously approved for this site.

Under Use Permit USE2003-00655, the applicants have constructed a 9-story office building that has been leased by GSA for use by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). This building has recently been completed and occupied.

Proposal

The Preliminary Development Plan (PDP) has been filed under the optional method in the I-3 Zone. The optional method allows for a greater range of uses, reduced parking requirements, and more flexible development standards than are available under the standard zoning provisions. The PDP must be approved by the Mayor and Council. The subsequent use permit(s) must be approved by the Planning Commission and be in conformance with the provisions of the approved PDP.

The application proposes to retain the new 9-story SAMSHA office building leased by GSA, totaling 238,086 square feet. The application also proposes to retain the existing 73,700 square foot 3-story office building at 5 Choke Cherry Road. However, this building is proposed to be converted to 100 loft-type "live/work" units. In addition, the proposal calls for constructing four other multi-family residential buildings with associated parking. Finally, the application proposes 14,500 square feet of retail/office, divided approximately equally between the two uses. There will also be 9,000 square feet of restaurant space.

The following chart summarizes the proposed development:

Use	Description	Dwelling Units	Square Footage
Office	General office		245,337
Multi-family	Apartments	524	
"Live/work" units	Loft-type units to include Live-in work space	126	
Retail	Specialty retail		7,250
Restaurant			9,000
Senior housing	MPDU Senior housing	94	
Total		844	261,587

The "live-work" units will be distributed throughout the project. Most of the loft units will be in the converted office space of the existing building at 5 Choke Cherry Road.

Interrelationship between the Preliminary Development Plan (PDP), Illustrative Plan and the Use Permits

The PDP sets the overall levels of development at a concept plan level. The PDP is implemented by a subsequent Use Permit that serves as the detailed site plan and the

point at which compliance with the development standards (setbacks, height, parking requirements) and the design guidelines are evaluated. There are two separate plans associated with the PDP - a concept plan and an illustrative plan.

The concept plan or bubble diagram identifies the total amount of development (by type), building heights, and the number of parking spaces. This is the plan that will be acted on by the Mayor and Council. The concept plan sets the overall development density envelope. Minor reallocations of densities may be allowed during the approval of Use Permits, so long as the overall density envelope is not exceeded.

The second plan is an illustrative plan that shows proposed details that will be fully evaluated as part of the subsequent use permits. The illustrative plan is an exhibit in the PDP approval, but the actual layouts are not approved as part of the PDP. It has been extremely helpful to have the illustrative plan to show the intent of the development, establish access points, and to provide a sense of the scale and design of the proposed buildings. As a result, staff has identified a number of detailed issues that will need to be resolved prior to the approval of use permits. These issues are listed beginning on page 10. The illustrative plan is shown on Attachment 1 for reference.

Section 25-683(a) also provides that approval of the PDP constitutes approval of a Preliminary Subdivision Plan. In this case, the property has already been recorded as Lot 9 as part of the previous use permit activities. Attachment 4 shows the current record lot with ownership lots.

Development Standards – Optional Method

This project is proceeding under the optional method of development in the I-3 zone. Under this procedure, the Mayor and Council may grant a greater variety of land uses and flexibility in setback requirements where development complies with more extensive standards of urban design review and traffic impact review and mitigation. In addition, there is more flexibility in development process, and an allowance for reductions in the parking requirements. In this case the applicant is pursuing the optional method to expand the range of uses and flexibility in setback requirements.

The optional method sets forth the following set of requirements, which are accompanied by the staff's findings for each:

1. The site must satisfy one of the following requirements:
 - a. The property is a minimum of forty (40) acres; and
 - i. A portion of the property is adjacent and contiguous to a Comprehensive Planned Development; and
 - ii. A portion of the property is located adjacent to an interstate highway; and
 - iii. A portion of the property is within fifteen hundred (1,500) feet of a planned or programmed transit station; or
 - b. The property is a minimum of ten (10) acres; and

- i. A portion of the property is located immediately adjacent and contiguous to a Comprehensive Planned Development; and
- ii. The property provides for a future transit right-of-way, transit center, transit station or other public transit oriented component acceptable to the Mayor and Council; and
- iii. A portion of the property is located adjacent to an interstate highway; and
- iv. A portion of the property is within fifteen hundred (1,500) feet of a planned or programmed transit station.

The application conforms with subsection b above. It exceeds 10 acres in size, provides for a future transit right-of-way, is adjacent to I-270, and is within 1,500 feet of a planned transit station along the Corridor Cities Transitway on the King Farm property.

2. The applicant must submit a traffic study in conformance with the Comprehensive Transportation Review.

A traffic study has been submitted and reviewed. The traffic report is covered separately in this staff report.

3. A draft declaration to be executed by all property owners which sets forth the rights, responsibilities, and duties of each property owner with respect to the amenities, open space, private infrastructure, dedications and any other obligations required under the Preliminary Development Plan for multiple building projects. The draft declaration shall include a proposed phasing schedule, which corresponds to each stage of development with the implementation of the rights, responsibilities and duties set forth in the Preliminary Development Plan application. The draft phasing schedule shall include, to the extent relevant, information regarding the provision of the following items: lighting, paving, open space, landscaping, stormwater management, pedestrian connections, parking, transit stop, roadway dedications and extensions, and any other obligations required under the Preliminary Development Plan. The declaration shall be finalized in the form approved by the Mayor and Council with all relevant conditions of approval incorporated therein. The finalized declaration shall be executed by all property owners, with a copy forwarded to the Mayor and Council, and recorded among the land records of Montgomery County prior to the issuance of the first Use Permit for development within the Preliminary Development Plan area;

A draft declaration has been submitted with the application materials.

4. A circulation plan indicating the public pedestrian ways linking all elements of the development with neighboring properties and any planned or programmed transit way station;

A circulation plan has been submitted as part of the application materials.

5. A Natural Resources Inventory/Forest Stand Delineation as required by the City's Environmental Guidelines.

A Natural Resources Inventory/Forest Stand Delineation application was previously approved for this site as part of the processing of Use Permit USE2003-00658. The NRI/FSD will need to be updated to reflect the changes proposed in the application.

Required Findings

Optional method approval requires the same findings as a preliminary plan of subdivision. The required findings are listed below with a brief statement regarding the finding. Detail information supporting the findings is contained in the relevant sections of the staff report.

In reviewing Preliminary Development Plans, the Mayor and Council must make the following findings:

- (1) That the proposed development will not affect adversely the health or safety of persons who will reside or work in the neighborhood of the proposed development; and
 - (2) That the proposed development will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and
 - (3) That the proposed development will not be inconsistent with the intent or purpose of this division or article; and
 - (4) That the proposed development will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; and
 - (5) That the proposed development complies with the development standards and requirements set forth in this division; and
 - (6) That the proposed development complies with any applicable development staging and adequate public facilities requirements; and
 - (7) That the proposed development promotes the City's environmental objectives as set forth in the Environmental Guidelines.
-
1. The staff finds that the proposed development complies with the standards and requirements of the optional method and the I-3 Zone for height, setbacks, and green area. The provision of live/work units and on-site retail and restaurant space will tend to reduce off-site traffic generation. The application also proposes to utilize "green" construction methods, which will save on energy consumption. Staff therefore finds that the application will not have an adverse impact on the health and safety of residents or workers in the neighborhood.
 2. The proposed development conforms to the optional method provisions for land uses and densities. The approved development includes two unbuilt office buildings totaling 117,000 square feet. The traffic assigned to those approved buildings is subsumed into the traffic generation for the proposed development. The access points to the site are consistent with existing points of access. The completion of the extension of Choke

- Cherry Road under conditions of approval of the use permit for the GSA office building means that there will be better traffic distribution for the project, without all of the traffic having to go through the Choke Cherry-Shady Grove Road intersection. There is sufficient public water and sewer service available (via WSSC) to serve the site. Other sites adjoining the property are developed, or approved for development, with commercial office uses. Staff concludes that the proposed development will not be detrimental to the public welfare or injurious to property or improvements adjacent to the proposed development.
3. The optional method in the I-3 Zone was adopted for the purpose of expanding the types of uses and character of development that could be allowed in the zone. The application complies with the standards and requirements of the optional method, and is therefore consistent with the purposes and intent of the code.
 4. Based on findings detailed elsewhere in this report, the staff finds that the proposed application will not overburden public facilities needed to serve the proposed development.
 5. The application complies with the standards and requirements for the optional method in the I-3 Zone.
 6. The applicant has submitted a traffic report, which indicates that, with mitigation, the new trips generated by the proposed development can be accommodated. In addition, the Applicant has agreed to construct additional capacity and bikeway improvements, beyond that which is required by the CTR to mitigate their impact, which will improve the overall transportation network in the region. The application also indicates that the project will be constructed in phases, as follows:
 - (1) Construct 5 new residential buildings and the service retail.
 - (2) Convert the building at 5 Choke Cherry Road from office to residential lofts, and construct an addition to 5 Choke Cherry Road for additional lofts and restaurant space.
 7. The applicant proposes to achieve at least a LEED Certified rating for the new buildings. This, combined with the open space, storm water management, and forest conservation requirements, is consistent with the City's Environmental Guidelines.

Parking

Parking reductions may be requested by the applicant under the optional method. However, the applicant is proposing to meet the minimum parking requirements for each use proposed. A total of 2,116 spaces are required, and that is number proposed. Final parking tabulations will be made at that time. The applicant has suggested that the live/work units will require only two spaces per unit. Documentation of this will be required at the time of Use Permit consideration and will have to be reviewed by the Traffic and Transportation Division prior to Planning Commission action.

Moderately Priced Dwelling Units

The applicant is proposing 750 market-rate housing units. The Code requires that 12.5% of the units be moderately-priced, or 94 MPDU's. The applicant has offered that these units be made available as age restricted (age 55 and above) active senior housing. If the units are not all taken

by seniors, then the remaining units would be offered to other qualified persons or households on the City's or County's waiting lists.

Schools

Using the current student generation rates provided by Montgomery County Public Schools, the project would generate the following numbers of students. The generation rates used in the staff's calculations are the official rates provided by MCPS for high-rise multi-family residential development. The numbers cited by the applicant are based on samples of similar types of development in the County, but are not yet established as official rates. The MCPS and M-NCPPC staffs are still working on updating the school generation rates, which were last revised in 1996.

	<u>844 units</u>
Elementary School:	57 students
Middle School:	19 students
High School:	14 students

For planning purposes, we assume that this project will not be fully occupied until the 2007-2008 school year. The adopted MCPS CIP provides the following for that horizon school year:

Rosemont Elementary School:	Program Capacity – 611; Enrollment – 514
Forest Oak Middle School:	Program Capacity – 942; Enrollment – 905
Gaithersburg High School:	Program Capacity – 2,126; Enrollment – 2,246

With the proposed development, the elementary and middle schools will remain within program capacity. As indicated by the applicant in their discussions with Montgomery County Public Schools, the generation rates for this type of development may in fact be overstated. An added 13 high school students represents only 0.6% of projected enrollment at Gaithersburg High School. Staff does not recommend deferral or denial of the proposed development solely on school capacity grounds.

Environmental Review

Public Sewer

Sewer service is already provided at the site by WSSC to serve the existing development. There will be a net increase in sewer usage with the change to a predominantly residential development. This development is located within the Muddy Branch sewershed. The sewer lines servicing the site connect to the existing Muddy Branch sewer. There is currently a transmission capacity constraint in the Muddy Branch sewer main passing under I-270. The applicant will need to demonstrate that the transmission capacity issue will be remedied prior to the issuance of building permits. This issue will be further addressed at the time of Use Permit review. Wastewater treatment will be provided at the Blue Plains Wastewater Treatment Plant in the District of Columbia.

Public Water

The Washington Suburban Sanitary Commission currently provides water service to the site to serve the existing development.

WSSC has adequate facilities to provide service demand volume and street level water pressure as recommended by the American Water Works Association (AWWA). High-rise buildings may require secondary water supply for fire protection of the upper floors. This will be determined as part of the building permit review process.

Stormwater Management (SWM)

The Department of Public Works has approved the SWM concept plan on November 23, 2004. The applicant shall utilize the most recent design and sizing requirements according to the City's SWM regulations and the Maryland Department of the Environment (MDE) guidelines as contained in the latest version of the Maryland Storm water Design Manual. Storm water management for quantity control will be provided by a storage vault located under Garage H (Block H). Storm water management for quality control will be provided by underground structural filtering practices and underground recharge chambers located throughout the site in either open areas or beneath a parking garage.

Flood Plain

No flood plains exist within the limits of the proposed development.

Green Area

The application proposes to meet the minimum 40% green area requirement of the I-3 Zone. The staff recommends that sufficient active recreation areas be provided to serve the expect population on the site. This may include contributions for provision of additional open space and recreation facilities in the surrounding neighborhood, such as the King Farm Park and the King Farm Farmstead Park, to supplement the on-site recreation facilities.

Sustainable Design

The applicant is proposing to explore a range of sustainable design strategies for the project. These may include the following:

- Green Roofs
- Daylighting in design
- Utilize environmentally sensitive materials
- Natural systems approaches to stormwater management
- Energy efficiency and LEED Green Building Rating System

The final details of these options will be reviewed during the use permit review process.

Public Art

The applicant will be required to provide publicly-accessible art in accordance with the provisions of Chapter 4 of the City Code. The amount required is \$264,688. The location and character of the art will be determined during the use permit review process.

Transportation

The Transportation Division has reviewed the Comprehensive Transportation Review submitted by the applicant, which took into account the needs of motorists, pedestrians, bicyclists, and transit users. City staff's recommendations, which serve to mitigate potential transportation impacts, of the proposed PDP, are included in the staff recommendation on attachment 6. These include improvements at the intersections of Shady Grove Road with Choke Cherry Road, and Gaither Road. In addition the applicant will install 3 traffic-calming devices along Redland Boulevard and other pedestrian safety improvements.

Future Transportation Conditions

The following conditions of approval will be incorporated into subsequent USE permits associated with this application:

1. Applicant shall contribute, prior to issuance of building permits, a monetary contribution of \$13,000.00 for the implementation of two bus shelters to be located nearby to the subject site or at locations in the vicinity of the to the site. This contribution will be incorporated into the Bus Stop Beautification CIP project.
2. All internal and external traffic control devices (i.e., signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signing and pavement-marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic & Transportation before the issuance of a Public Works Permit.
3. A Transportation Demand Management (TDM) agreement must be executed between the application and the City of Rockville prior to the issuance of building permits. This agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area of the proposed new building and \$60 per market rate dwelling unit per year for a period of ten (10) years. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the City of Rockville. The funds will be used for the purpose of TDM and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated into the TDM capital improvements program funds of the City. No occupancy

permit will be issued until the required roadway improvements are completed and the initial TDM annual installment is made.

4. Applicant shall provide bicycle lockers or bike storage room for residential uses and bike racks for retail uses at locations approved by the Department of Public Works. The number of bicycle storage facilities will be determined with staff and the applicant through the Use Permit process.
5. The applicant shall contribute \$125,000 into the City's Transportation Improvements CIP Fund, prior to the issuance of final building permits, towards the future installation of a traffic signal at the intersection of Choke Cherry and Piccard Drive if the signal meets warrants according to MUTCD and City of Rockville standards. If the signal is not warranted, the monies shall go towards additional traffic improvements in the immediate vicinity.
6. Provide truck turning exhibits and demonstrate that the Block A dumpster access can be accommodated.

Public Notice

The applicant conducted a series of public charrettes in the summer of 2004 to obtain input into the design principals that were to be incorporated in the final plan submittal.

Post card notice of the proposed PDP application and Planning Commission meeting date were sent to all adjoining and confronting property owners surrounding the project. In addition, post cards were sent to all civic associations in the neighborhoods surrounding the project.

STAFF RECOMMENDATION

Approval is recommended, subject to the following conditions:

1. Use Permits submitted to implement the PDP must be consistent with the approved PDP plan. Minor reallocations of floor area or uses may be allowed at the Use Permit stage, within the overall development envelope approved in the PDP.
2. Applicant shall submit letter from MD SHA to confirm location of future Corridor Cities Transitway right-of-way and applicant must reserve this right-of-way for future public use. No permanent improvements may be made in this right-of-way.
3. Applicant shall dedicate right-of-way and/or provide a Public Improvement Easement along Shady Grove Road to accommodate an eight-foot shared bike/pedestrian path, and an eight-foot buffer area and bus shelter(s) and right turn lane improvements per DPW and County standards prior to the issuance of first occupancy permits.
4. Obtain permits from Montgomery County and construct, the following off-site road improvement projects. The timing of these improvements will be determined through the Use Permit process:

- a. An eight-foot bike path and eight-foot tree buffer on Shady Grove Road along the frontage of the site per DPW and County requirements.
 - b. A right turn lane from eastbound Shady Grove Road to southbound Choke Cherry Road per DPW and County requirements.
 - c. A right turn lane from northbound Choke Cherry onto Shady Grove Road and associated markings per DPW and County requirements.
 - d. Lengthen the left turn bay from Shady Grove onto Choke Cherry per DPW and County requirements.
 - e. An additional westbound left turn lane from Shady Grove Road onto southbound Gaither Road and additional receiving lane on Gaither Road per DPW and County requirements.
 - f. A right turn lane from Shady Grove Road onto Gaither Road per DPW and County requirements.
5. Submit street cross sections for review and approval.
6. Streets and sidewalks that function like a public street must be designed, constructed and permitted according to the Department of Public Works standards. Design waivers may be required to accommodate possible reduced building setback. These streets and sidewalks must be covered by an agreement or declaration that requires public access to be maintained at all times. The agreement must also stipulate that the street be maintained according to the Department of Public Works standards.
7. The Applicant shall implement a five-foot bike lane on Piccard Drive between Redland and Millennium Trail connection at Gude to provide a bicycle connection identified in the City Bikeway Master Plan from the site to the Millennium Trail.
8. The Applicant shall install three traffic-calming devices in the Redland corridor between Piccard Drive and Pleasant Road in the adjacent King Farm community. The devices will be coordinated with the King Farm community, approved by staff and finalized at the Use Permit stage.
9. The Applicant shall upgrade the pedestrian infrastructure at the intersections of Shady Grove/Choke Cherry and Shady Grove/Gaither including crosswalk markings and countdown signals per DPW and County requirements.
10. The Applicant should coordinate and cooperate with the City, County and State as the Corridor Cities Transitway project proceeds to ensure that adequate pedestrian and bicycle facilities are provided in conjunction with the CCT project.
11. Safe pedestrian access and adequate parking must be provided during all phases of construction. Sidewalks must be a minimum of 15 feet wide. Final sidewalk designs will be determined during the use permit review process.
12. Payment of the County's Development Impact Tax, as applicable prior to the issuance of building permits.

13. Comply with all conditions detailed in the SWM concept approval letter dated November 23, 2004.
14. Provide on-site recreation and parks facilities such as passive and active open space. Active open space should include amenities such as tennis courts, tot lot playground for ages 2-12 years, walking paths, garden plots, etc. Consult with the Recreation and Parks Department during the Use Permit phase for design standards of facilities. Also, provide fitness facilities within buildings. The development should contribute toward recreation facilities in the surrounding neighborhood such as King Farm 28-acre park and the King Farm Farmstead to supplement on-site facilities.
15. Applicant must address the issue of sewage transmission capacity constraints at the time of Use Permit review. No building permits will be issued until the WSSC certifies that adequate transmission capacity is available.
16. Building designs should incorporate green building and LEED energy efficiency standards.
17. A Forest Conservation Plan (FCP) was previously approved for this site (FTP2000-00008A) and a Forest Conservation Easement (FCE) was established to protect trees on site. The proposed development will result in removal of protected trees. Prior to the approval of the Use Permit a revised Forest Conservation Plan must be approved that addresses additional tree loss, replacement planting requirements and updated afforestation requirements. The existing FCE will need to be abandoned and a new FCE created.
18. All utilities to be underground or within buildings, as directed by the Department of Public Works.
19. Provide public art in accordance with the provisions of Chapter 4 of the Code. Staff calculates the total art provision requirement at \$264,688. This consists of \$202,450 for the 750 market rate residential units, and \$62,238 for 261,587 total square feet of commercial/office space.

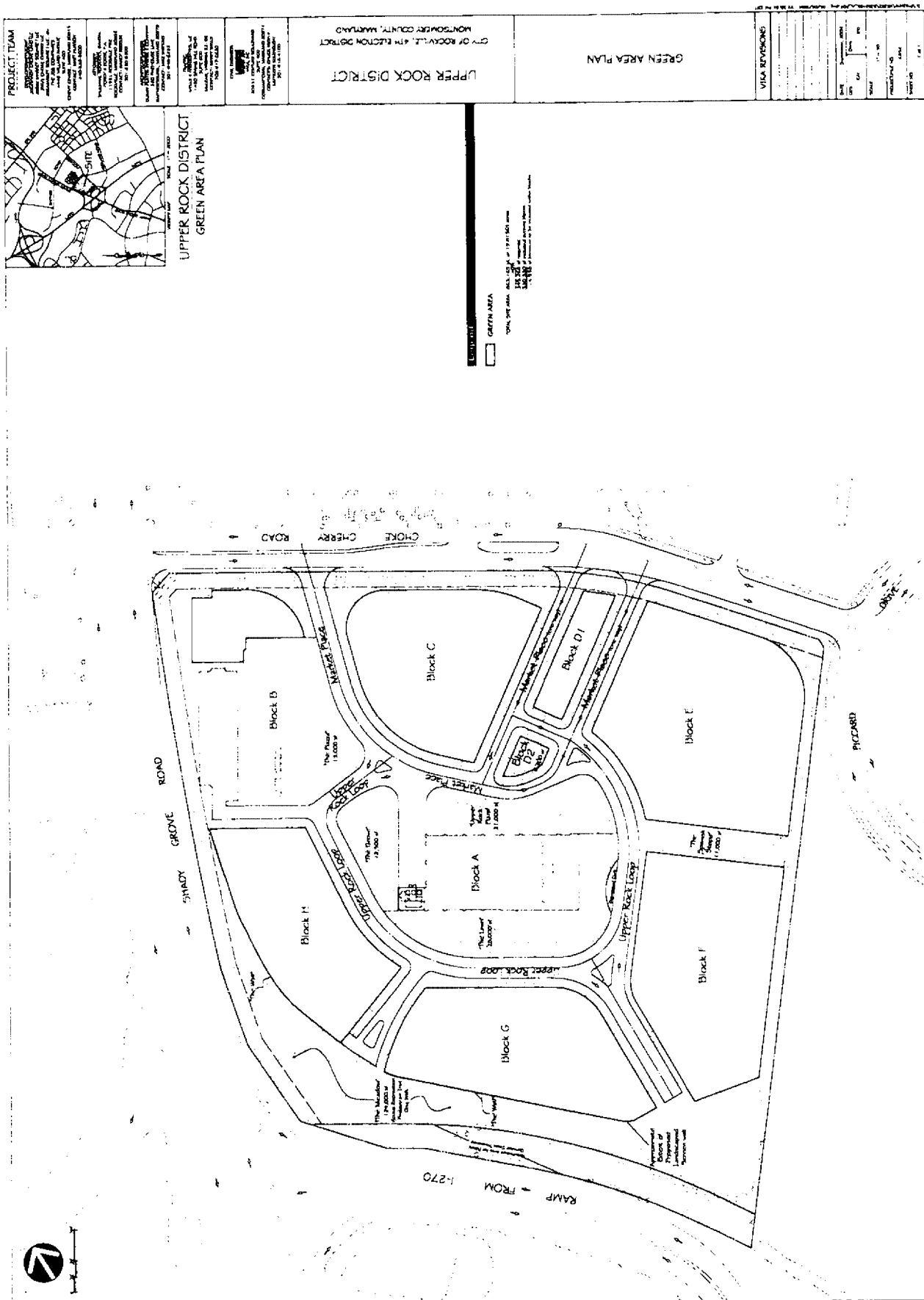
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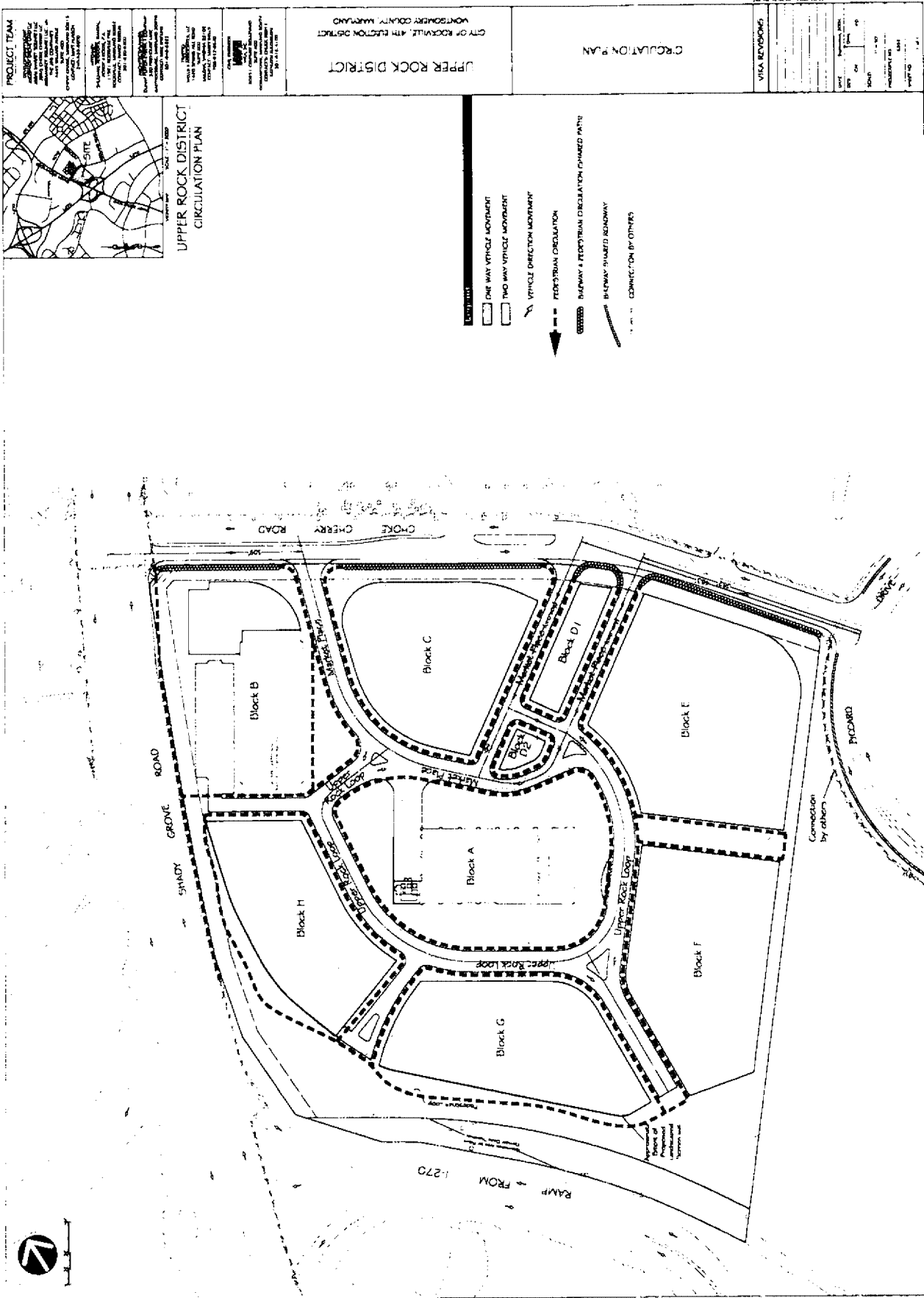
Attachments:

1. PDP Generalized Land Use Concept Plan
2. Green Area Plan
3. Circulation Plan
4. Current ownership plat
5. Stormwater Management Concept Approval Letter
6. Traffic and Transportation Division Memo

Exhibits:

- A. Statement of Applicant
- B. Illustrative Drawings and Perspectives





PROJECT TEAM PROJECT MANAGER PROJECT ENGINEER PROJECT ARCHITECT PROJECT LANDSCAPE ARCHITECT PROJECT CIVIL ENGINEER PROJECT ELECTRICAL ENGINEER PROJECT MECHANICAL ENGINEER PROJECT PLUMBING ENGINEER PROJECT FIRE ENGINEER PROJECT SPECIALTIES	UPPER ROCK DISTRICT CITY OF ROCKVILLE 4TH DISTRICT DISTRICT HORTONSBERRY COUNTY, MARYLAND	CIRCULATION PLAN	VIA REVISIONS NO. 1 DATE BY FOR REVISIONS NO. 2 DATE BY FOR REVISIONS NO. 3 DATE BY FOR REVISIONS
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November 23, 2004

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Mr. Matt Hurson
The JBG Companies
4445 Willard Avenue
Chevy Chase, MD 20815

Subject: Upper Rock District Stormwater Management Concept Plan
PDP2004-00007, SMP2005-00010

Public Works
240-314-8500
TTY 240-314-8187
FAX 240-314-8539

Dear Mr. Hurson:

Your stormwater management (SWM) concept received on September 15, 2004 and November 19, 2004 for the above referenced site is conditionally approved. The proposed development consists of mixed use of residential, commercial and retail with associated parking on the 19.8-acre site, Lot 9 Danac Technological Park, located in the Muddy Branch watershed.

The SWM concept proposes the following measures for the 19.8-acre site with an assumed 14.6 impervious acres (not including the adjacent right of way):

1. Overbank Flood Protection (Q_{p10}) and Channel Protection Volume (C_{pv}) will be provided for the majority of the site in an underground storage vault located beneath Garage H, in the southwest corner of the site.
2. Water Quality Volume (WQ_v) shall be provided in six separate underground structural filtering systems located throughout the site in open areas or beneath Garage H.
3. Recharge Volume (Re_v) shall be provided in six separate underground pipe systems with perforated bottoms in stone backfill to allow infiltration. The total Recharge Volume (Re_v) is based upon the soil specific recharge factor and has been subtracted from the total Water Quality Volume (WQ_v) since it is being treated upstream and separate from main storage vault.
4. There is 2.6 acres of which 1.43 acres are impervious on the periphery of the site (including 30 feet of the adjacent right of way), which cannot physically drain to the proposed swm facilities. There is no feasible stormwater treatment practice, which can provide quantity or quality treatment for this area. Treatment has been provided via a SWM Alternative in form of monetary contribution through WVR2003-00017 associated with the development of this site under USE2003-000658.

This SWM concept is approved subject to the following conditions, which must be addressed at the detailed engineering stage:

1. Provide safe conveyance of storm flows.
2. Submit a SWM Easement /Maintenance Agreement signed by the property owners for review and approval. Approved SWM Easement/Maintenance Agreement must be recorded in the Montgomery County Land Records prior to DPW permit issuance.

MAYOR
Larry Giammo

COUNCIL
Robert E. Dorsey
John F. Hall, Jr.
Susan R. Hoffmann
Anne M. Robbins

ACTING CITY MANAGER
Catherine Tuck Parrish

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

Mr. Matt Hurson
The JBG Companies
November 23, 2004
Page 2

3. Submit detailed storm drain and stormwater management plans and computations for approval by DPW. Submit for review and approval the construction estimates, and permit fees associated with the SWM plans.
4. Obtain Montgomery County Right-of-Way permits, if required, for connection to their storm drain system in Shady Grove Road.
5. Post financial security based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.
6. Submit SMP permit application, permit fees, and SWM Database Sheet associated with the SWM plans for each phase of construction.
7. Provide SWM for each phase of construction. No building permits that allow the creation of impervious area can be issued unless SWM permits have been issued that provide treatment for this area. A SWM concept for specific phases must be submitted for review and approval prior to Use-Permit approval for individual sites within the PDP.
8. All SWM facilities must function under gravity flows. Stormwater shall not be pumped out of SWM facilities.

If you have any questions, please contact John Scabis, Civil Engineer II, of my staff at 240-314-8514.

Sincerely,



Susan T. Straus, P.E.
Chief Engineer/Environment

STS/JS/akm

cc: Jeff Amateau, VIK A, Inc.
20251 Century Blvd., Suite 400
Gaithersburg, Maryland 20874
Deane Melander, Planner III
Mark Wessel, Civil Engineer III
John Scabis, Civil Engineer II-Environment
MCDPS, Rick Brush
Permit Plan
Day File



City of Rockville

MEMORANDUM

November 18, 2004

TO: Deane Mellander, Planner III

FROM: Sandra Marks, Civil Engineer I, Traffic & Transportation Division *SM*

VIA: Larry Marcus, Chief, Traffic & Transportation Division *LM*
Mark Wessel, Civil Engineer III *MW*

SUBJECT: Transportation Staff Report
Upper Rock, PDP2004-0007

This memorandum presents the Traffic and Transportation Division's recommendations on the subject development application, PDP2004-0007. These recommendations incorporate and address comments and concerns expressed by City and County staff, and the Applicant as part of the review process.

SITE ANALYSIS:

The proposed development program consists of 750 multi-family dwelling units (including 126 'live/work' units), 94 age-restricted MPDUs, 9,000 s.f. of restaurant and 14,500 s.f. of retail. The proposed project is bounded by Shady Grove Road on the west, I-270 on the south, Choke Cherry Road on the north and King Farm on the east. All access to the site is off of Choke Cherry Road. The proposed project will convert the existing office building at 5 Choke Cherry into residential units.

Roadway Network Analysis

The focus of the study included the following intersections:

1. Shady Grove Road/I-270 Southbound Ramps
2. Shady Grove Road/I-270 Northbound Ramps

3. Shady Grove Road/ Choke Cherry road
4. Shady Grove Road/Gaither Road
5. Shady Grove Road/I-370 Ramp/Pleasant Road
6. Shady Grove Road/MD 355
7. MD 355/King Farm Boulevard
8. Gaither Road/King Farm Boulevard
9. Gaither Road/Redland Boulevard
10. Redland Boulevard/Piccard Drive
11. Piccard Drive/King Farm Boulevard

These intersections were studied for three different scenarios (1) Existing Year 2004 Traffic Conditions; (2) Background Traffic Conditions; and (3) Total Future Traffic conditions.

The trip generation for the site is outlined below:

	<u>AM</u>	<u>PM</u>
750 DU (including live/work units)	303	354
94 age restricted MPDUs	8	10
Restaurant (9,000 s.f.)	7	67
Retail (14,500 s.f.)	10	39
Subtotal	328	470
Converted Office (73,700 s.f.)	117	126
Net New Trips	211	344

(No credits were applied to any of these trips)

This development is proposed in the Shady Grove corridor, which is a generally congested corridor. The proposed development is primarily residential with a small-scale retail component. The proposed development relies on internal trip capture, and live/work units to absorb some of the traffic congestion. As a result of the proposed project, traffic generated by the Upper Rock development has an impact, as defined by the Comprehensive Transportation Review (CTR) methodology, at two of the eleven intersections analyzed: MD 355/ King Farm Boulevard in the AM peak period and Shady Grove Road/Choke Cherry Road in the PM peak period. The applicant has agreed to the following capacity improvements to mitigate their impact:

1. A right turn lane from eastbound Shady Grove Road to southbound Choke Cherry Road per DPW and County requirements.
2. Right turn lane from northbound Choke Cherry onto Shady Grove Road and associated markings per DPW and County requirements.
3. Lengthen the left turn bay from Shady Grove onto Choke Cherry per DPW and County requirements.

4. An additional westbound left turn lane from Shady Grove Road onto southbound Gaither Road and additional receiving lane on Gaither Road per DPW and County requirements.
5. Construct right turn lane from Shady Grove Road onto Gaither Road per DPW and County requirements.

In addition to improvements required by the CTR to mitigate their traffic impact, the Applicant has agreed to construct additional capacity and bikeway improvements as well as construct traffic calming devices in the adjacent King Farm neighborhood, beyond that which is required by the CTR, which will improve the overall transportation network in the region

Access and Circulation

A: Passenger Vehicle: There are two access points to the site proposed off of Choke Cherry Road. A network of internal roads and driveway accesses to parking structures will serve the site. Staff will continue to review the roadway network and circulation through the USE permit process.

Heavy Vehicle (Truck & Bus): Staff will be reviewing truck circulation through the site and adequacy of loading areas through the USE permit process.

C: Pedestrian/bicycle access: The applicant has identified pedestrian and bicycle facilities within the .35-mile study area as required by the CTR. There are adequate pedestrian facilities proposed within and adjacent to the site, as well as connections to the adjacent King Farm development. The Applicant will upgrade the pedestrian signals to countdown signals at the intersections of Shady Grove/Choke Cherry and Shady Grove/Gaither. After the completion of Choke Cherry extended and Piccard, there will be a continuous, safe route for pedestrians and bikes to access the Shady Grove Metro Station from the site.

In order to encourage and accommodate bicycle commuters to the site the Applicant has agreed to implement five-foot bike lanes on Piccard Drive between Redland Road and the Millennium Trail at Gude Drive to provide a bicycle connection identified in the City Bikeway Master Plan from the site to the Millennium Trail. The Applicant shall also provide bicycle lockers and racks to accommodate the retail and residential uses on the site, the City will work with the applicant to identify the specific number and location of bicycle storage facilities through the USE permit process.

Staff will continue to work with the Applicant through the USE permit process to ensure that there are adequate pedestrian and bicycle connections to and within the site.

D: Transit access:

The site is served by the Shady Grove Metrorail station as well as a number of buses adjacent to the site. Regional plans include service to the site via the future Corridor Cities Transitway.

In order to further encourage the use of transit at the site, the Applicant will be required to contribute \$13,000 for the installation of two (2) bus shelters adjacent to the site and the applicant is proposing a shuttle service to the Shady Grove Metro. In addition, the Applicant will be required to contribute the City's Transportation Demand Management (TDM) program to fund various programs designed to reduce the number and impact of vehicular trips within the Shady Grove area. This contribution will be incorporated into the TDM program funds of the City.

Traffic and Transportation Commission:

Per the recently approved CTR guidelines, this development and mitigation package was presented to the Traffic & Transportation Commission and community representatives for comment and input. Concerns were raised about multi-modal and pedestrian connections as well as cut-through traffic; no specific concerns were raised about any of the proposed mitigation as outlined in the conditions below.

Proposed Conditions:

The following conditions of approval will be incorporated into subsequent USE permits associated with this application:

1. Applicant shall contribute, prior to issuance of building permits, a monetary contribution of \$13,000.00 for the implementation of two bus shelters to be located nearby to the subject site or at locations in the vicinity of the to the site. This contribution will be incorporated into the Bus Stop Beautification CIP.
2. All internal and external traffic control devices (i.e., signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signing and pavement-marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic & Transportation before the issuance of a Public Works Permit.
1. A Transportation Demand Management (TDM) agreement must be executed between the application and the City of Rockville prior to the issuance of building permits. This agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area of the proposed new building and \$60 per market rate dwelling unit per year for a period of ten (10) years. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the City of Rockville. The funds will be used for the purpose of TDM and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated into the TDM capital improvements program funds of the City. No occupancy

permit will be issued until the required roadway improvements are completed and the initial TDM annual installment is made.

3. Applicant shall provide bicycle lockers or bike storage room for residential uses and bike racks for retail uses at locations approved by the Department of Public Works. The number of bicycle storage facilities will be determined with staff and the applicant through the USE permit process.
4. The applicant shall contribute \$125,000 into the City's Transportation Improvements CIP Fund, prior to the issuance of final building permits, towards the future installation of a traffic signal at the intersection of Choke Cherry and Piccard Drive if the signal meets warrants according to MUTCD and City of Rockville standards. If the signal is not warranted, the monies shall go towards additional traffic improvements in the immediate vicinity.
5. Provide truck turning exhibits and demonstrate that the Block A dumpster access can be accommodated.

CONDITIONS OF APPROVAL:

Based on our review, which took into account the needs of motorists, bicyclists, pedestrians and transit users, and in order to mitigate the potential transportation impacts, City Staff recommends the following conditions of approval for the subject development application, PDP2004-00007:

1. Applicant shall submit letter from MD SHA to confirm location of future Corridor Cities Transitway right-of-way and applicant must reserve this right-of-way for future public use. No permanent improvements may be made in this right-of-way.
2. Applicant shall dedicate right-of-way and/or provide a Public Improvement Easement along Shady Grove Road to accommodate an eight-foot shared bike/pedestrian path, and an eight-foot buffer area and bus shelter(s) and right turn lane improvements per DPW and County standards prior to the issuance of first occupancy permits.
3. Obtain permits from Montgomery County and construct, the following off-site road improvement projects. The timing of these improvements will be determined through the USE permit process:
 - a. An eight-foot bike path and eight-foot tree buffer on Shady Grove Road along the frontage of the site per DPW and County requirements.
 - b. A right turn lane from eastbound Shady Grove Road to southbound Choke Cherry Road per DPW and County requirements.

- c. A right turn lane from northbound Choke Cherry onto Shady Grove Road and associated markings per DPW and County requirements.
 - d. Lengthen the left turn bay from Shady Grove onto Choke Cherry per DPW and County requirements.
 - e. An additional westbound left turn lane from Shady Grove Road onto southbound Gaither Road and additional receiving lane on Gaither Road per DPW and County requirements.
 - f. A right turn lane from Shady Grove Road onto Gaither Road per DPW and County requirements.
- 4. The Applicant shall implement a five-foot bike lane on Piccard Drive between Redland and Millennium Trail connection at Gude to provide a bicycle connection identified in the City Bikeway Master Plan from the site to the Millennium Trail.
 - 5. The Applicant shall install three traffic calming devices in the Redland corridor between Piccard Drive and Pleasant Road in the adjacent King Farm community. The devices will be coordinated with the King Farm community, approved by staff and finalized at the USE permit stage.
 - 6. The Applicant shall upgrade the pedestrian infrastructure at the intersections of Shady Grove/Choke Cherry and Shady Grove/Gaither including crosswalk markings and countdown signals per DPW and County requirements.
 - 7. The Applicant shall coordinate and cooperate with the City, County and State as the Corridor Cities Transitway project proceeds to ensure that adequate pedestrian and bicycle facilities are provided in conjunction with the project.
 - 8. Safe pedestrian access and adequate parking must be provided during all phases of construction.
- cc: Eugene H. Cranor, Director of Public Works
Robert Spalding, Chief of Planning
Susan Straus, Chief Engineer/Environment

STATEMENT OF APPLICANT
 September 2004
The JBG Companies
Upper Rock District
Choke Cherry Road at Shady Grove Road

PRELIMINARY DEVELOPMENT PLAN REQUEST:

The Applicant requests approval of a Preliminary Development Plan under Section 25-660 et seq. of the City Code to redevelop the Property under the optional method in the I-3 Zone into a mixed use development including residential, commercial, and live/work components to complement the existing office development, together with residential amenity facilities and structured parking.

The Preliminary Development Plan proposes:

Use	Description	Dwelling Units	Square Footage
Residential			
Conventional	Multifamily	624	
Live-Work	Housing over Work	126	
MPDUs (12.5%)	Senior Age Restricted	94	
Commercial			
Restaurant			9,000
Retail/Services	Marketplace		14,500
Total		750 DU + 94 MPDUs	23,500 SF

The existing development on the Property under prior approvals to be retained:

Use	Description	Dwelling Units	Square Footage
Office - 1 Choke Cherry	USE2003-0655		238,087
- 5 Choke Cherry	(1972 approval) 73,700 SF	To be converted to Residential; included in DU total above	73,700
Total after PDP approval			238,087 SF

Prior development approvals to be replaced by Preliminary Development Plan:

Use	Description	Dwelling Units	Square Footage
Office	USE2003-0658 - 2 office buildings	PDP proposes residential in lieu of office	117,008
Total after PDP approval			-0- SF

After PDP approval, the Property would include the following mixed uses:

Office	238,087 SF
Residential	750 DU Multifamily 94 MPDUs Age Restricted
Retail/Services	14,500 SF
Restaurant	9,000 SF

The proposed Preliminary Development Plan is attached as Exhibit 1. A Circulation Plan and Green Area Plan are attached as Exhibits 2 and 3, respectively. Concept plans for proposed buildings and improvements are attached as Exhibits 4, 5 and 6 and are included only for *illustrative purposes* and will be formally submitted in final form at the time of Use Permit applications.

PROPERTY:

The Property is 19.82 gross acres (863,169 SF) or 19.65 net acres known as Lot 9, Danac Technological Park with addresses of 1 and 5 Choke Cherry Road and includes Ownership Lots 9A, 9B, 9C and 9D. The Property is bounded by Choke Cherry Road to the north, Shady Grove Road to the west, I-270 to the south and Piccard Drive and the King Farm community to the east. A Local Vicinity Map, Aerial Regional Map and Aerial Vicinity Map are attached as Exhibits 7, 8 and 9.

The Property is greater than 10 acres; a portion of the Property is located immediately adjacent and contiguous to the King Farm, a Comprehensive Planned Development; the Property provides a reservation for a future transit right-of way for the Corridor Cities Transitway; the Property is immediately adjacent to Interstate Highway I-270; and the Property is within fifteen hundred feet of the planned West Gude station of the Corridor Cities Transitway to be located on King Farm Boulevard just east of the Property.

RELATED ACTIONS:

Use Permit USE2003-0655 approving a 238,087 SF office building and retention of existing 73,700 SF office building at 5 Choke Cherry. A copy of the Existing Site Conditions pursuant to USE2003-0655 is attached as Exhibit 10.

Use Permit USE2003-0658 approving two new office buildings totaling 117,008 SF (#9 and #11 Choke Cherry) in addition to the 238,087 SF office building at 1 Choke Cherry and the 73,700 SF office building at 5 Choke Cherry. A sketch of site conditions as approved under USE 2003-0658 is attached as Exhibit 11. This application for PDP approval provides that proposed #9 and #11 Choke Cherry Road (117,008 sf) will not be constructed.

Ownership Plat no. 22706, Lots 9A, 9B, 9C and 9D, Danac Technological Park. A copy of Ownership Plat #22706 is attached as Exhibit 12.

APPLICATION:

The Applicant proposes a development consistent with the intent and goals of the I-3 Optional Method. The creation of the Upper Rock District will transform an outdated office park into a mixed-use, transit oriented, pedestrian friendly village. The Upper Rock plan will address some of the challenges facing our changing living and working environments as described in the following statement of Upper Rock's objectives and philosophy:

If suburbia is to thrive in the 21st century, a place must be created that captures the imagination of the knowledgeable, educated "creative class". No longer seduced by office parks with out-dated marble lobbies, these workers are attracted to loft living and downtown intensity that reflects their self-image as 'worker-as-artist'.

Rising from the cracked asphalt of an aging office park will be an explicitly green community of loft style units. This is a neighborhood that can evolve organically – like the great American urban environments – able to respond to changes in lifestyle at home and in the work place.

Upper Rock District is an ambitious project that will include innovations such as affordable incubator retail spaces, the unprecedented loft conversion of an obsolete suburban office building, live/work life style, affordable senior's housing, sustainable design buildings and parking structures, unparalleled attention to pedestrian convenience, access to the future Corridor Cities Transitway station just 4 minutes away, and an unforgettable landmark designating Rockville's northern border.

The plan, created by renowned Miami-based town planner Andres Duany of Duany Plater-Zyberk & Company, will serve as a proto-type for the adaptive re-use of dated, obsolete, single-use, suburban office parks. There is no more appropriate place for the creation of this prototype than Rockville, Maryland where the principles of new urbanism have so successfully been implemented at King Farm and the re-development of Town Center. This Project showcases the next generation of New Urbanism.

With the help of Rockville citizens, neighbors, entrepreneurs, artists and others, Upper Rock District will bring a fresh, imaginative, edge neighborhood to Rockville.

The Upper Rock District development is intended to meet the following Development Goals:

1. *Create an environment that strengthens the competitiveness of Rockville's highly valued employers – those private, governmental and institutional organizations with an abundance of high paying, permanent jobs that will be a source of stimulation and inspiration to our high school, community college and university students. The Development shall create the type of*

living and work environment for the most sought after resource of Rockville's employers: the creative, energetic, highly educated and very mobile worker who value culture, stimulating activity, interaction with others, transit, environmental sensitivity, and innovation.

2. *Establish a prototype community of homes and workplaces built on the broad premise of sustainable design, including but not limited to energy efficiency, structures that can adapt to changes in patterns of employment and housing, recycling of existing buildings, and a commitment to transit solutions and non-auto related alternatives.*

Planning Process:

Public Design Charrette May 18-25, 2004

The Applicant undertook an innovative and inclusive planning process for developing the concept plan and program for the Property by implementing a public design charrette. The charrette was conducted town planner Andres Duany of Duany Plater-Zybert ("DPZ") to facilitate the weeklong public design charrette.

Charrette Meeting Topics – During the charrette a number of public meetings were held to discuss and develop design elements related to the following topics:

1. Public Works, Police and Fire Rescue, and Other Public Infrastructure
2. Transportation and Traffic, Shady Grove/ Choke Cherry Gateway Enhancement
3. Retail/Live-Work/Technology/Cultural Arts/Historic
4. Neighborhood Public Review and Comment
5. Residential/Senior Housing/Green Building design
6. Marketing/Housing Demand/Fiscal Impact

Charrette Participants - The public was invited to participate in the public design charrette by personal invitation, direct mail, local organizations' membership e-mails, the King Farm listserv, the King Farm website, articles, advertisements and meeting notices in the King Farm Chronicle and local and regional newspaper advertisements, and public service announcements and news items on local radio stations. The charrette attracted a wide spectrum of participants. The following is a partial list of neighborhoods, organizations, agencies, jurisdictions, and affiliations of charrette participants:

- King Farm Residents
- Rockville Residents
- City Cultural Arts Commission
- Peerless Rockville, Inc.
- City Town Center Action Team
- East Rockville Citizens Association
- Rockville Economic Development, Inc.
- City Planning Commission
- City Planning staff
- City Public Works staff
- City Neighborhood Liaisons
- City Police Department

- Maryland-National Capital Park & Planning staff
- US Department of Environmental Protection
- Montgomery County Public Schools
- Montgomery County Dept of Economic Development
- Montgomery County Fire and Rescue Service
- City of Gaithersburg
- City of Frederick
- Montgomery Preservation Inc.
- Urban Land Institute
- Smart Growth Alliance
- Audubon Naturalist Society
- US General Services Administration
- SAMHSA – Substance Abuse and Mental Health Administration
- Kentlands Residents
- Sustainable Montgomery

Charrette Participating Consultants and Attending Experts: The Applicant invited and retained a number of local and national consultants to participate in the charrette. The charrette attracted a number of experts who participated and shared their knowledge and experience voluntarily. The following is a partial list of participating consultants and experts:

Dr. Stephen Fuller
Dwight Schar Faculty Chair
Director, Center for Regional Analysis
School of Public Policy
George Mason University
Regional Fiscal Analysis

Dr. Arthur Nelson, ASCE, FAICP
Professor and Director
Urban Affairs and Planning
Virginia Tech
Regional Housing Market Demand

Joseph Howell & Associates
Washington, DC
Senior Housing Demand and Development

Seth Harry
Seth Harry & Associates
National New Urbanism Retail Consultant

Peter Katz
Professor
Virginia Polytechnic
Author, New Urbanism
New Urbanism/ Placemaking

Robert Stoddard, PE, CCIM
Development Director
The Shelter Group
Senior Housing Development/Affordable Housing

John Bailey
Urban Land Institute
Smart Growth Alliance
Urban Planning/ Smart Growth

Randall Gross
Director
Development Economics
Washington, DC
Fiscal Impact

Harry Gordon, FAIA
Burt Hill Kosar Rittlemann Associates
Washington, DC
Green Building/ Sustainable Design

Charlotte Kosmela, AICP, MAA
SMITHGROUP
Urban Planning/ Sustainable Design

Martin Wells
Wells & Associates
Traffic and Transportation Planning

William Landfair, AICP
VIKA
*Urban Planning/ Community
Development*

Mike Watkins, AIA
DPZ Architects and Town Planners
Town Architect - The Kentlands
New Urbanism/ Town Planning

As a follow-up to the public design charrette, the Applicant has continued to initiate and participate in a community outreach program to educate and encourage feedback and ideas from the King Farm residents, the local neighborhood, the City and others.

This community outreach has included:

1. Presentation to the Planning Commission
2. Presentation to the Mayor and Council
3. Meeting with the King Farm residents
4. Meeting with the King Farm Civic Association
5. Meeting with the King Farm Citizens Assembly
6. Meeting with the King Farm Transportation Committee
7. Meeting with MC Public Schools Facilities Department
8. Meeting with Gaithersburg HS PTA President and Gaithersburg Cluster Liaison
9. Meeting with City of Rockville Recreation and Parks

Project Description:

The Project contemplates the redevelopment of an aging office park into an innovative, sustainable, mixed use neighborhood through the addition of residential and retail components to complement the existing office use. The Applicant proposes five new multifamily residential buildings of 4 and 6 stories which include both loft and conventional units, with two-story live/work units with street level access along the frontages facing Choke Cherry Road, #1 and #5 Choke Cherry buildings, and the proposed Marketplace. The Project contemplates a conversion of the existing office building at #5 Choke Cherry to residential loft dwelling units and live/work units with a multiple story addition for multifamily dwelling units over street level restaurant space. The Project incorporates 40% green area in unstructured and structured spaces to provide residents and office workers places for recreation, congregating, culture and relaxation.

The development program is as follows:

PDP Block	Use	SF or No. of DU	Stories **	Maximum Height
A existing	Office	238,087 SF	9	109 ft
B existing	Residential conversion	60* DU	3	
	from existing 73,700 SF office			
- new	Restaurant and residential addition	9000 SF and 40* DU	3	40 ft
C new	Residential	158* DU	6	90 ft
D new	Marketplace retail	7250 SF	2	40 ft
	Office	7250 SF		
E new	Residential	235* DU	6	90 ft
F new	Residential	96* DU	4	60 ft
G new	Residential	135* DU	4	60 ft
H new	Residential	120* DU	4	60 ft

** Number of dwelling units by block is approximate and not binding. PDP is based on a total number of dwelling units approved (750 DU plus 94 MPDUs). Final number of dwelling units by Block can be shifted among Blocks within the maximum height of each building as each Use Permit is approved provided that total number of dwelling units*

within the PDP does not exceed total approved. MPDUs are included in approximations in each Block.

**** Number of stories is the number of levels of habitable space. The number of parking levels may exceed number of stories labeled but will not exceed overall building height limit.**

Conformance with Goals of the I-3 Optional Method:

The Project conforms to each of the goals of the I-3 Optional Method which are to:

1. Encourage the development or redevelopment of significantly sized sites for office, retail, restaurant and hotel uses in close proximity to planned or programmed transit stations;
The 20 acre site is within 1300 feet of the future West Gude station of the Corridor Cities Transitway and within 1.25 miles of the Shady Grove Metro station.
2. Promote increased use of public transportation through increased densities and improved accessibility;
The Project is designed with a focus on improved pedestrian and non-auto accessibility to public transportation, including a metro shuttle to promote transit use and convenience.
3. Foster development which is more pedestrian friendly where transit is planned;
The Project incorporates a high level of pedestrian connections both internally and to the King Farm neighborhood and the West Gude CCT station, with convenience retail and transit shelter opportunities planned within the Project.
4. Encourage the redevelopment of sites in a comprehensive manner more consistent with surrounding current and future development;
The Project redevelops an aging office park, single use site into a next generation new urbanism mixed use neighborhood which complements the adjacent King Farm neighborhood.
5. Expand permitted uses consistent with City's objective to achieve a mix of uses and to allow a wider array of ancillary uses including hotels, restaurants and retail to support the primary office use;
The Project expands the existing uses from only office to a mix of office, residential, retail, live/work and restaurant.
6. Encourage development of residential uses;
The Project introduces an exciting mix of loft and conventional multifamily units, live/work dwelling units and senior housing.
7. Provide flexibility in the allocation of density to ensure appropriate development by allowing densities to be shifted among sites subject to a Preliminary Development Plan;
Preliminary Development Plan proposes a flexible plan that results in varied heights of buildings and different types of green areas.

8. Encourage excellence in urban design and improvement in the City's overall appearance; and foster the environmental objectives of the City as set forth in the Environmental Guidelines.

The Project has been designed by the pre-eminent town planning firm in the United States, Duany Plater-Zyberk, through an innovative public design charrette process and with a commitment for an explicitly "green" community which is spearheaded by the existing #1 Choke Cherry Road, a LEED Silver office building recently completed on the site.

Conformance with the Zoning Ordinance Development Standards:

The Project conforms to the development standards for an optional method project in the I-3 zone:

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Provided</u>
Minimum Lot Size	10 acres	19.65 net acres/ 19.82 gross
Minimum Lot Width	100 feet	743 feet
Floor Area Ratio (Non-residential)	0.75	0.31
Minimum Green Area	40%	40%
Maximum Building Height	125 feet	109 feet
Minimum Setback Requirements		
Shady Grove Road	25 feet	25 feet
Choke Cherry Road	25 feet	25 feet
I-270 Ramp	100 feet	100 feet
Minimum Parking	2,116 spaces	2,116 spaces

Live/Work Units:

A set of *Illustrative* sketches and photographs depicting types of live/work units are attached as Exhibit 23.

A set of *Illustrative* drawings showing possible elevations and floor plans for a conversion of the 5 Choke Cherry office building is attached as Exhibit 24.

Transit Orientation:

The Applicant intends to enhance and encourage the use of transit and other public and non-auto transportation alternatives for the residents and employees of the Property. The Property is ideally situated as a transit oriented project within 1.5 miles of the Shady Grove WMATA Metro station, 1500 feet from a future Corridor Cities Transit station, located along the service routes of Ride-On bus service, and adjacent to a masterplan bikeway. A Public Transit Plan for the area surrounding the Property is attached as Exhibit 13.

The Property is served by a shuttle bus currently running continuously every 20 minutes weekdays 6:30 am to 6:30 pm between the SAMHSA Building (#1 Choke Cherry Road) and the Shady Grove Metro station. The Property's shuttle bus stops at the King Farm retail center on the route to and from the Shady Grove Metro station. The shuttle bus system would be expanded to accommodate the residential development proposed under this PDP. Design Charrette participants also embraced the idea of the Upper Rock shuttle system providing enhancements in service and connectivity between the two neighborhoods and King Farm and the Metro.

The Property is served by Ride-on bus service to and from the Shady Grove Metro all day along Line 43 and 63 at Shady Grove Road and nearby Route 66 at Piccard Drive. A new bus shelter constructed by the Applicant is located on the Property along Shady Grove Road at Choke Cherry Road.

The Property is located within a four minute walk to the West Gude station of the Corridor Cities Transit Way proposed to be located at King Farm Boulevard at Piccard. Walking distances are shown on Exhibit 13. The Project incorporates pedestrian enhancements to encourage safe and convenient walking connections from Upper Rock past the Marketplace along sidewalks to Piccard to the future West Gude Station on King Farm Boulevard. In addition, the Property provides a second pedestrian connection through the "Spanish Steps" area of the Project.

Marketplace:

The Marketplace idea was generated by the charrette participants who envisioned an innovative space - flexible, inexpensive and inclusionary – that would attract artists, entrepreneurs, and independent retailers and family businesses and give them a space to start, grow, and nourish their enterprises. This idea developed into the Marketplace, a two story flex space building or buildings, strategically located at the pedestrian and transit connection from the Project to the King Farm neighborhood and the King Farm CCT/ Shady Grove Metro stations.

Loosely based on the Charleston Slave Market, the Fells Point Market and the City Market in Annapolis, the Marketplace could provide first floor space for galleries, artist and craftsman workshops, retailers and businesses on flexible terms in flexible spaces. The second floor space could be an entrepreneurial business center fashioned after the Adams Morgan Affinity Lab, the University of Maryland Kinsman Entrepreneurship Center, or a neighborhood telecommuting/business center.

Green Area:

The Project will provide 40% green area in accordance with the optional method standards of the I-3 zone (totaling approximately 345,268 sf or 7.925 acres). Green Area will include landscaped areas, open space, active and passive recreational spaces throughout the Property, sidewalks and pedestrian paths, gathering spaces in Blocks A, B and D, and courtyard spaces in the residential buildings. Approximately two (2) acres of Green Area is located within the nucleus of the Property in a grouping of diverse but connected spaces. Additional Green Area provides a buffer ringing the Property. The balance of the required Green Area (at least 14,938 square feet distributed on 5 blocks) will be located within each block of new development and will be defined at Use Permit as buildings, landscape areas, pedestrian ways, and other green area are designed for such block. A Green Area Plan is attached as Exhibit 3.

The PDP contemplates the creation of active and passive recreational and gathering spaces to provide spaces for residents and visitors to walk, run, bike, sit and contemplate, listen to music, walk their dog and connect with their neighbors, and join together for neighborhood events.

Some of the ideas that resulted from the design charrette include: 1) a pavilion for a farmers market or weekend open market; 2) a meandering pedestrian path and dogwalk area in the open space along the Wall ("The Meadow" and the "Dogwalk"); 3) three distinct green areas around the #1 Choke Cherry building – perhaps one designed to permit gatherings for cultural arts events like luncheon or evening outdoor musical concerts ("The Upper Rock Plaza"), a second designed with more grass and shade as a quiet contemplative retreat ("The Lawn"), and a third as a landscaped green respite ("The Grove"); 4) an active community space in front of #5 Choke Cherry ("The Piazza"); and 5) a distinctive walking connection to the King Farm and future CCT station (the "Spanish Steps").

Not included in the calculation of Green Area are the green roofs in the illustrative plans. Applicant intends to explore the feasibility of the use of green roofs as an element of sustainable design. Green roofs, if incorporated into the design of the buildings, would add additional Green Area to the project.

Parking:

Parking will be provided primarily in structured parking facilities for all uses with some limited surface parking and street parking on the private roadways. Parking for the existing office use will be incorporated into structured parking facilities as needed as development commences on portions of the existing parking lots. Adequate parking per the City code will be constructed with each building so that code required parking will be met at all stages during development.

The current parking standards in the I-3 zone do not permit shared parking which is an important and common element of mixed use developments. Shared parking standards are provided in the City zoning ordinance for Town Center and Comprehensive Planned Developments such as King Farm. The Project under the I-3 Optional Method is a mixed use development of residential uses adjacent to the primarily office use and would be appropriate for shared parking. The Applicant proposes the zoning ordinance be amended to permit the sharing of parking spaces in optional method I-3 projects based on time of day.

Until such change in the zoning ordinance, the following is the parking required under the current City zoning ordinance:

Use	Description	DU/SF	Code	Parking Required	Total
Office	SAMHSA	238,087	1/300 SF	794	794
				includes 40 car/vanpool	
Residential					
126 Live/Work	Assume 2/DU – no code std	126 DU		252	
249 Lofts	Assume 10% 2BR	25 DU	1.5/DU	38	
	Assume 90% 1BR	224 DU	1.25/DU	280	
375 MF	Assume 30% 1BR	113 DU	1.25/DU	142	
	Assume 70% 2-3BR	262 DU	1.5/DU	393	
94 MPDUs	Assume 55+ Age Restricted	94 DU	1/3 DU	32	
					1137
Restaurant	9000 SF Assume 50% patron	4500	1/50 SF	90	
	Assume outdoor dining	2000	1/80	25	
	Assume 15 employees		1/2 emp	8	
					123
Marketplace	14500 SF total				
	Specialty retail 7250 SF	7250	1/200	37	
	Office 7250 SF	7250	1/300	25	
					62
Total all uses					2116

The City currently has no parking standard for live/work units. The Applicant has used 2 spaces per unit.

Transportation:

A Traffic Report has been prepared by Wells & Associates, Inc. in accordance with the draft Comprehensive Transportation Review methodology. A copy of the Traffic Report is attached as Exhibit 14. A scope meeting was held between the Applicant and the Transportation and Traffic Division in March 2004 to determine the scope of the neighborhood for purposes of the report. Based on the preliminary traffic statement prepared in advance of the charrette, the proposed project was anticipated to generate less than 350 trips. Under the draft CTR, a minimum of eight (8) intersections must be included in the Traffic Analysis. As a result of the scoping meeting, eleven (11) intersections were required to be included in the analysis.

During the public design charrette in May 2004, a special meeting was held to discuss traffic and transportation issues. Residents of King Farm attended the charrette meeting. After the charrette, a meeting was held June 29, 2004 between the King Farm Traffic and Transportation Committee, the Applicant, and the City's Chief of Transportation Planning, to discuss neighborhood traffic impacts and issues. Dialog between the King Farm Traffic and Transportation Committee and the Applicant continues with discussions of local traffic and transportation issues.

Art in Private Development:

The Applicant embraces the principle of accessible art in private development. The public design charrette generated many ideas for the inclusion of accessible art in private development.

The grand idea generated in the charrette was for a large scale environmental art wall running along I-270 and Shady Grove Road visible, understandable and of impact to traffic driving by the site at interstate highway speeds. The "Wall" would be a landmark for the northern border of the City of Rockville.

Applicant would anticipate incorporating both large and small scale art within the Project.

Stormwater Management:

A storm water management concept plan modifies the existing storm water management facilities on the Property to accommodate the proposed development. The storm water management concept plan is attached as Exhibit 15.

Adequate Utilities:

Public water and sewer are available and located on the Property. Upgrades of some existing water and sewer lines will be required within existing utility easement

areas and rights-of-way and will be adequate for the proposed development. A Concept Utility Plan is attached as Exhibit 25.

NRI/FSD/ Forest Conservation Concept Plan:

A NRI/FSD and Forest Conservation Plan #200-008A was approved for the Use Permit approval for the SAMHSA building. An updated Concept Forest Conservation Plan modifies the existing forest conservation easement areas to accommodate the proposed development. Afforestation and reforestation will be completed to comply with City regulations. The updated Concept Forest Conservation Plan is attached as Exhibit 16.

Public Schools:

The Property is located within the Gaithersburg Cluster and is served by Gaithersburg High School, Forest Oak Middle School and Rosemont Elementary School. A copy of vicinity maps showing the Public Schools serving the Property are attached as Exhibit 17.

Based on the Montgomery County School Test for FY 2005, all school clusters have been determined to be adequate and no area will be in moratorium for residential development and no area will be subject to the School Facilities Payment which is triggered when high schools are over 100% capacity. Pursuant to Montgomery County's Annual Growth Policy, Montgomery County must review annually (before July 1 of each year) the results of the AGP school test and determine if residential subdivisions in any school clusters should be subject to either a school facilities payment or a moratorium. A copy of the Annual Growth Policy School Test for FY 2005 is attached as Exhibit 18.

At current Montgomery County School Impact Tax rates, the proposed Project would pay either \$1600 or \$4000 per unit (\$4000 per unit for buildings over 4 stories) estimated to be a total School Impact Tax payment of over \$2 Million dollars.

The school capacity in the Gaithersburg Cluster will be expanded under current programmed and funded school construction CIP projects including a 16 room addition to Gaithersburg High School scheduled to commence construction July 1, 2005 followed by a total school modernization commencing in 2008, and a 10 classroom and gymnasium addition to Rosemont Elementary School to be completed in 2005.

Based on surveys conducted in 2003 on the actual student yield rates for multifamily developments in Montgomery County, including high rise and garden projects with and without structured parking, the MCPS student yield rates for multifamily developments with structured parking have been revised to significantly

lower rates. The surveys have determined based on actual student generation rates from existing multifamily projects in King Farm and elsewhere in the County, that few children are generated from multifamily developments with structured parking. Based on these yield rates it is projected that at full build-out Upper Rock would generate less than 38 school age children over all grades K-12 of which no more than 10 would be in high school grades 9-12. The existing multifamily developments surveyed were all conventional dwelling units. It would be expected that student generation rates would be even less in a loft style project like Upper Rock. Andres Duany supported this position with his explanation that the inherent open design of loft units without separate bedrooms lacks the privacy that is desirable to families with children. A copy of the student yield rates provided by Bruce Crispell of the Montgomery County Public Schools is attached as Exhibit 19.

The Applicant has met with the leadership of both MCPS Capital Planning as well as Gaithersburg High School PTA to discuss means and methods by which the development proposed in this application can support the schools and students within the cluster. A continuing dialog has been established and progress will be reported during the approval process.

Moderately Priced Dwelling Units:

Applicant will comply with the City's regulation on inclusion of moderately priced dwelling units in the project. The project proposes 750 market dwelling units and therefore, 12.5% or 94 moderately priced dwelling units are also included in the proposed project.

Applicant requests the City's consent to making the MPDUs available as age restricted active senior housing. First opportunity for the MPDUs would be offered to eligible persons and heads of households 55 years and older utilizing in order: the City's waiting list, Montgomery County's waiting list, and Applicant's marketing. In the event MPDUs remain available after the initial offer to eligible persons and heads of households 55 years of age and older, the MPDUs would then and only then be made available to other eligible persons on the City and Montgomery County's MPDU waiting lists.

Phasing Plan:

Applicant intends to construct the five new residential buildings and convert 5 Choke Cherry from office to residential in a two step development. The initial stage will include the five (5) new residential buildings and the Marketplace. The final stage will be the conversion of the 5 Choke Cherry building from office to residential and the construction of the addition to 5 Choke Cherry for residential lofts and street level restaurant(s).

The surface parking for 1 Choke Cherry and 5 Choke Cherry office buildings will be relocated to structured parking as surface parking area is disturbed for redevelopment. Required parking for the office use may be satisfied during the construction phases in a mix of surface and structured parking until development is complete. Office parking will primarily be located within structured parking, with some limited surface and street parking available.

The first new residential building is projected to be completed in 2007. The MarketPlace will be completed with occupancy of the second new residential building. The private access roads to each building will be completed in time for occupancy of each building.

Fiscal Impact of Project:

During the design charrette, Applicant retained Dr. Stephen Fuller, the Director of the Center for Regional Analysis at George Mason University to prepare a fiscal impact statement for the proposed project. A copy of Dr. Fuller's Fiscal Impact Statement is attached as Exhibit 20.

Dr. Fuller found that the Project would generate significantly greater economic and fiscal benefits for the City of Rockville during both its construction and post-construction phases than the previously approved two additional office buildings. The Project is projected to have a total economic impact of over \$375 Million Dollars and create both jobs and housing opportunities. It is projected that at full build-out the Project would generate more than \$2.5 Million in annual real property tax revenues to the City of Rockville and more than two and a half times that to the County and State.

Maintenance and Ownership of Common Facilities:

A Declaration of Covenants, Easements and Restrictions was recorded in conjunction with the establishment of the Ownership Plat for the Property in October 2003 in Liber 25608 at folio 324. An amendment to the Declaration that conforms to modifications to the Ownership Plat made after approval of the Preliminary Development Plan will be recorded.

An amendment to the Declaration which covers maintenance, ownership and use of common facilities including the private streets, sidewalks, common lighting, green area, art, recreational facilities, signage, parking, storm water management facilities, utilities, the Marketplace, zoning compliance, and similar shall be recorded prior to Use Permit of the first new building. A outline of provisions to be addressed in the amended Declaration is attached as Exhibit 21.

Sustainable Design:

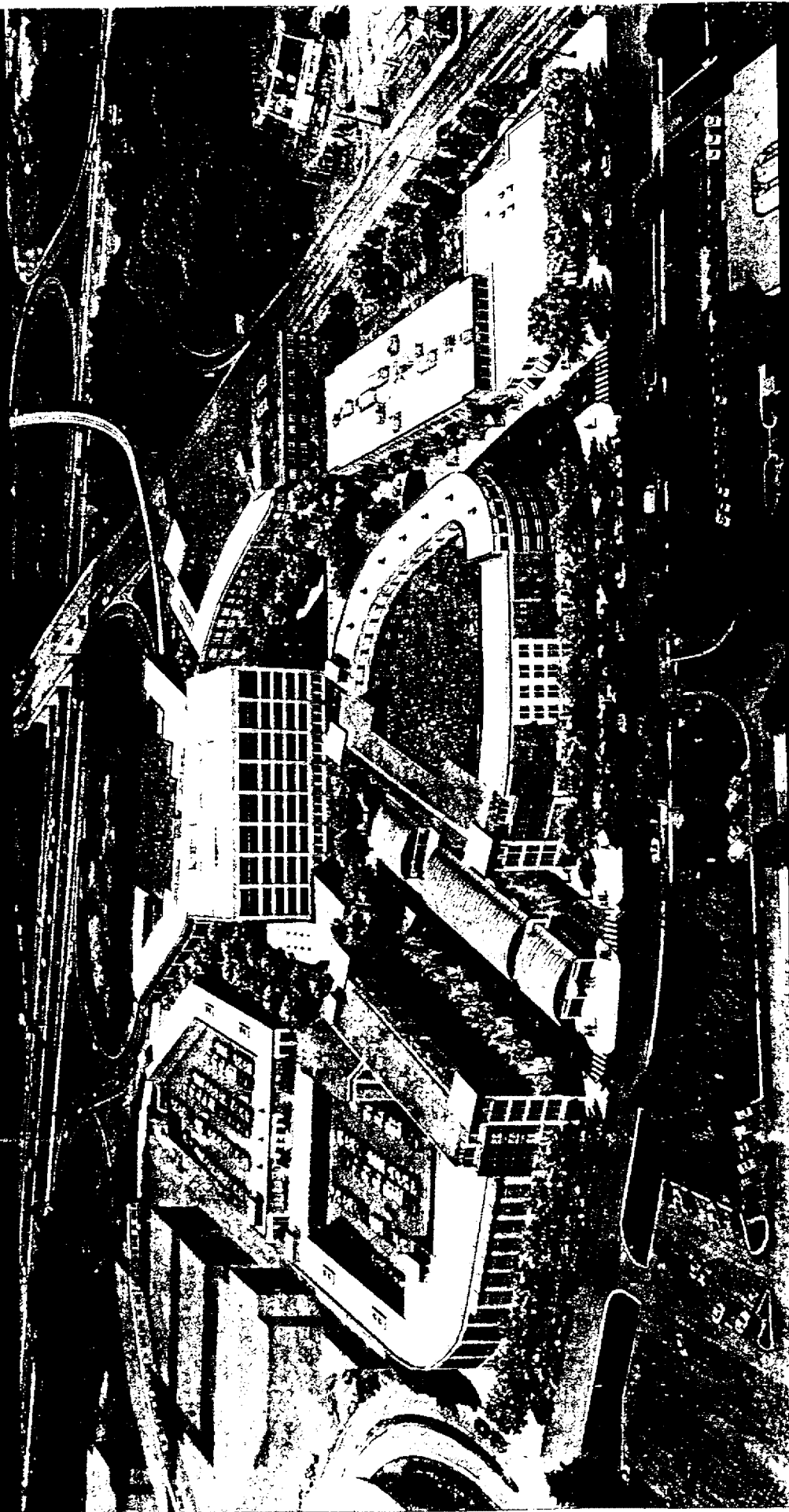
Possible elements of sustainable design which could be utilized in the Project are outlined and described for *Illustrative Purposes* in Burt Hill Kosar Rittleman Associates memorandum and the LEED rating checklist, copies of which are attached as Exhibit 22.

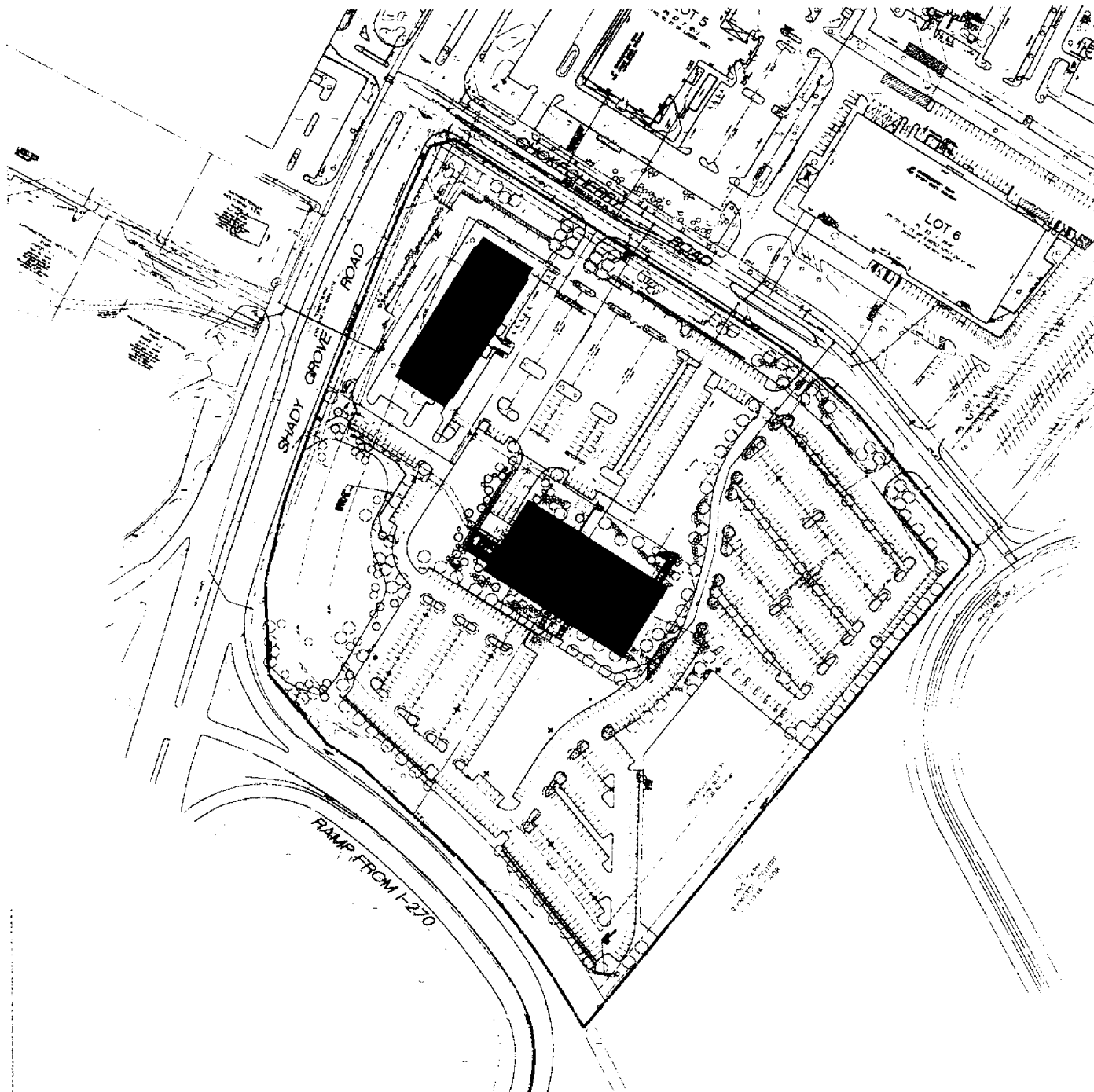
Appendix:

Applicant has provided a copy of certain additional information related to the design charrette, the Project and related matters to the City Planning staff. A list of the information available from the staff is included in the Appendix.

UPPER ROCK

DISTRICT





The JBG Companies
VMA, Inc.
August 2008

Existing Site Conditions

Upper Rock District





 Existing Route
 Proposed Route

48

Public Transit

Upper Rock Distri

Bringing
life

+

work

Back
Together

Live/Work Projects
from the office of
Thomas Dolan Architecture





Live/Work Basics: Unit Types

The Physical Relationship Between Live Areas and Work Areas



Home Occupation (desk in upper left)

In working with artists and other live/workers over the years, we have observed different approaches to configuring live/work spaces. The terms we use to describe these configurations or unit types indicate the relationship between the work and living activities practiced by their inhabitants, and which activity is dominant.

Home Occupation

This type of arrangement is what most people think of when they hear the term "working at home". The space is clearly a residence, and may or may not contain a dedicated workspace in the form of an office or workshop. Reversion to commercial or work only is not desirable.

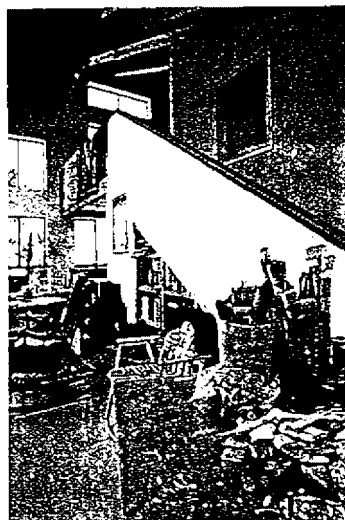


Live/Work

Live/Work

The use of the term *live/work* indicates that the quiet enjoyment expectations of the neighbors in the building or adjacent buildings take precedence over the work needs of the unit in question. Therefore, the predominant use of a *live/work* unit is residential, and commercial activity is a secondary use; employees and walk-in trade are not usually permitted.

Reversion to work only or live only may be acceptable, depending on surrounding users. Flexibility is key in this type.



Work/Live

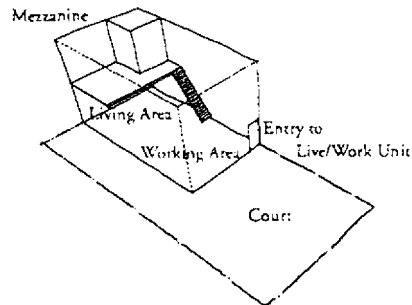
Work/Live

The term *work/live* means that the needs of the work component take precedence over the quiet enjoyment expectations of residents, in that there may be noise, odors, or other impacts, as well as employees, walk-in trade or sales. The predominant use of a *work/live* unit is commercial or industrial work activity, and residence is a secondary use. Reversion to live only is not desirable and can lead to "Imported NIMBY" problems.

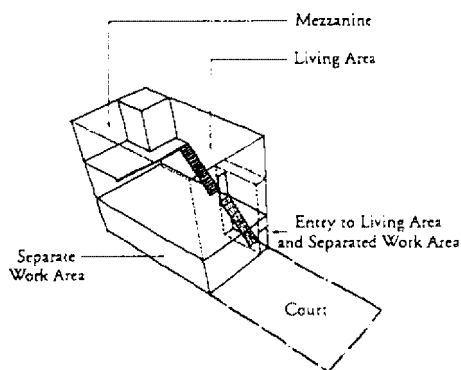


Live/Work Basics: Proximity Types

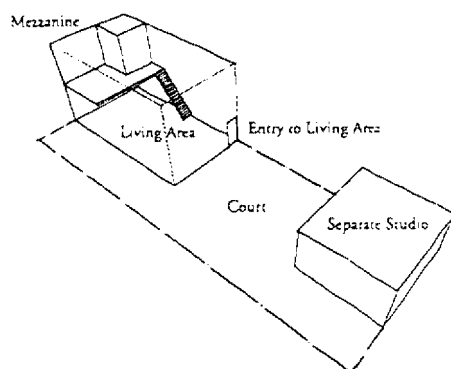
The Physical Relationship Between Live Areas and Work Areas



Typical Live-With™ Unit Plan



Typical Live-Near™ Unit Plan



Typical Live-Nearby™ Unit Plan

We have coined terms to describe the relationship of proximity between the work space and the living space within an individual live/work unit. These proximity types are all forms of what we call Zero Commute Housing™.

Live-With™:

This type of space is what most people imagine when they picture a typical "artist's loft." A live/with unit is typically a single space, including a kitchen located below a mezzanine/sleeping space, which looks out over a large contiguous working space. This arrangement offers the greatest flexibility and the fewest interior partitions, allowing the user to adapt it to many different configurations. The amount of space devoted to the "live" area and the "work" area depends on the occupant's needs at the moment, and will likely vary over time as a result.

Live-Near™:

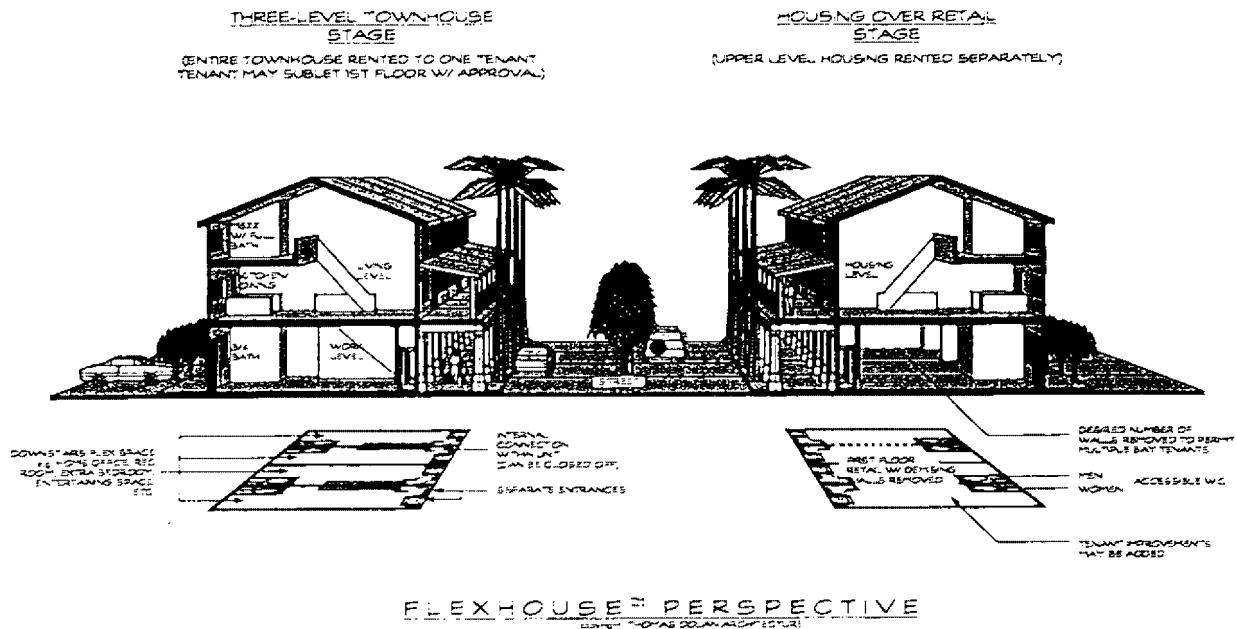
Live-Near™ meets the needs of those who feel that the proximity afforded by live/work is important, but who would nevertheless like some separation between living and working spaces. This can be to minimize exposure to hazardous materials or high-impact work activity, out of consideration for family or roommates, or simply to fill the need for the bit of distance created by a wall or floor. In a live-near™ unit, the living portion may more closely resemble an apartment or townhouse. The work space is separated by a wall (sometimes glazed and sometimes fire rated) or a floor.

Live-Nearby™:

In this configuration, a short walk separates the living portion and the work space-- across a courtyard, to a converted garage or other accessory structure, or up or down an exterior staircase, for example. While this type may initially appear to be simply mixed use, classification as live/work may permit its existence in places where a residential or a commercial space alone might not be permitted.



A BUILDING THAT LEARNS



flexhouseTM

FlexHouse is a building consisting of a row of what appear to be storefront townhouses, usually with a bay width of 20-25 feet and an minimum number of bays of three (preferably 4-10). Flexhouses are signed to be "buildings that learn," which is to say that their use is intended to change and their configuration is flexible. Flexhouses are a solution to the problem of an immature retail market in a new development project, or in a neighborhood not yet "there." Stage one, full townhouses, allows full occupancy even at street level. Later, as the retail market develops, Flexhouses can be "cut off at the knees," and the upstairs domain can be rented or sold separately.

The first floor of a flex building will typically be a high bay retail style space, 12 to 16 feet tall. While its structural bay is regular, and there can be fire-rated demising walls along each structural gridline, a flexhouse is designed so that at least 50% of each structural gridline can remain open. This provides flexibility for multiple first floor bays to be combined under a single tenancy as, for example, one retail establishment.

While there is opportunity for an individual stair to be in each bay to connect first and second floors of a townhouse configuration, said stairs would also be removeable.

On the second floor there is an exit balcony or corridor, permitting independent access to the second floor in the event the first floor is under separate tenancy. Each upper level bay/unit also contains a mezzanine accessible from within the unit. While this configuration has the advantage of being a simple two story building, it would also be possible to stack units above and make a multi-story project.